

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3651 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANISHA FABRICS

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR YATIN SONI for Petitioner

MR RC JANI for Respondent No. 1

CORAM : MR.JUSTICE R.BALIA.

Date of decision: 19/07/96

ORAL JUDGEMENT

Rule. Mr.R.C.Jani, learned counsel waives the service of Rule for respondents.

Petitioner is running a factory. The Checking Squad of respondent no.1, Gujarat Electricity Board inspected the petitioner's factory on 27/1/1994 and as a result of the Checking Report and the report about working of the meter from the laboratory, a supplementary

bill for Rs.5,40,878-58 Ps. was raised against the petitioner. Petitioner challenged that supplementary demand before the Appellate Committee by depositing 30% of the demand. As a result of that deposit before appeal, the power connection was restored. Appeal has been rejected vide impugned order dtd. NIL, as a result of which, again demand notice for remaining sum of Rs.3,79,613-58 Ps.is served on the petitioner. While issuing notice on 17th May 1996, this court directed to reconnect the power supply, provided the petitioner deposits Rs.1 Lakh on or before 31st May 1996 and another amount of Rs.1 Lakh on or before 15th July 1996. Learned counsel for the petitioner states that terms of the interim order have been complied and power supply has been restored.

It is contended by the learned counsel for the petitioner that for reaching to the conclusion in the appeal, no reason has been assigned for rejecting the petitioner's contention against allegation of theft against him. He has also raised other grounds in the appeal. Since first ground of the petitioner is substantiated from plain reading of the order, I need not examine other contention on merits.

The Appellate Committee, while hearing the appeal, is discharging quasi-judicial functions and is required to make speaking order by assigning reasons for its conclusions. The Appellate Committee, for reaching its conclusion, has not assigned reason for the same, except recording of facts submitted by both the parties. This falls short of the norm of a speaking order, which means that conclusion of the authority must be supported by reasons, speaking from the order itself.

In the circumstances, the order fails on this ground alone. Accordingly this petition succeeds. Impugned order of the Appellate Committee rejecting petitioner's Appeal No.2 is hereby quashed. However the Appellate Committee shall dispose of the petitioner's appeal afresh after affording an opportunity of hearing by making a reasoned order. If any order adverse to the petitioner is passed, the same shall remain stayed for a period of two weeks for availing of the remedy, if any, that may be available to the petitioner. Rule made absolute. No order as to costs.
